

C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE: Dec. 6, 1989

SUBJECT: Public hearing regarding the appeal of Notice of Public
 Nuisance, Order to Abate and Order to Vacate issued on
 Travelers Hotel, 112 North School Street.

RECOMMENDED ACTION: That the City Council' hear all evidence pertaining to this matter and make a determination as to the need to proceed with the Order to Abate and Order to Vacate the Travelers Hotel. If there is insufficient evidence of compliance with the Fire Department's Notice of Violations issued on September 8, 1989, the Council should overrule the appeal and issue an order certified by the City Clerk that the building be vacated and repaired.

BACKGROUND INFORMATION: On December 2, 1987, an inspection of the premises was conducted by the Community Development Department/Building Division and the Fire Department. As a result of this inspection, a NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE was issued by the Community Development Department/Building Division on December 16, 1987. On December 31, 1987, a letter was sent to the building owner by the Fire Department listing items that required corrective action.

On April 14, 1988, a second letter was sent by the Fire Department indicating those items that were not corrected, and in addition required that an approved second exit be installed.

On October 6, 1988, Mr. Surenda Patel, the owner of the subject property, contacted the Fire Department and indicated that he would install the fire escape and that plans would be available by October 7, 1988.

On April 26, 1989, an inspection was conducted by the Fire Department and a NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE was issued.

Telephone conversations and correspondence continued until September 7, 1989, at which time a NOTICE TO VACATE in addition to a NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE were issued and posted on the premises on September 8, 1989.

On September 12, 1989, a letter was delivered by Mr. Patel requesting that he be granted a period of 90 days to comply due to financial hardship. Consultation with the City Attorney resulted in a decision to consider this request as a form of appeal. This would allow Mr. Patel approximately 90 days and still provide for the continuance of abatement proceedings.

On November 8, 1989, the preliminary plans submitted for the fire - escape were rejected by the building department.

On November 23, 1989, a reinspection was made by Fire Marshal Raddigan and he found that all items except the addition of a fire escape had been completed. There is also a need to determine if the materials used in the corridor are one hour fire resistive material as required.

Larry F. Hughes

Larry F. Hughes
Fire Chief

CITY OF LODI

FIRE DEPARTMENT

FIRE PREVENTION BUREAU

210 WEST ELM STREET

LODI, CALIFORNIA 95240

(209) 3336739

November 16, 1989

NOTICE OF CITY COUNCIL HEARING

TO: Mr. Surendra Fulabhai Patel
Mrs. Shobhana Surendra Patel
607 South Cherokee Lane
Lodi, CA 95240

NOTICE OF CITY COUNCIL HEARING REGARDING NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE AND ORDER TO VACATE

Public records indicate that you are the current legal owner of **the** real and improved property in the City of Lodi, County of San Joaquin, State of California, described as follows:

The North 90 feet of Lot 8 in Block 14 of Mokelumne (City of Lodi), in the City of Lodi, according to the Official Map thereof filed for record in Vol. 2 of Maps, page 12, San Joaquin County Records. Assessor Parcel No. 043-026-15.

Said property is more commonly known **as** Travelers Hotel, 112 North School Street, Lodi, CA, 95240.

As the property owner, you were served with a Notice of Public Nuisance and Order to Abate and Order to Vacate by certified mail on September 7, 1989, which Notice listed specific items that had rendered the structures on said property a public nuisance as defined by Section 202 et seq of the Unsafe Building Abatement Code of the City of Lodi.

In that h'otice certain dates were also specified as to the time when the required work had to have been commenced and had to have been completed. *hs* of this date, the work ordered in the previous Notice has been given an extended period of time in which to be completed but as yet has not been satisfactorily done, nor approved by the Chief Building Inspector.

Therefore, pursuant to Sections 401 (b,4) of said Uniform Code for the Abatement of Dangerous Buildings, you are hereby notified that the undersigned Fire Marshal of the City of Lodi will bring

Mr. Surendra Patel
November 16, 1989
Page 2

the matter of said property and the findings listed above before the City Council of **the** City of Lodi at their regular meeting on Wednesday, December 6, 1989, at 7:30 p.m. at Carnegie Forum, 305 West Pine Street, Lodi, California, requesting that the City Council (i) declare the structure unsafe and a public nuisance and (ii) subsequently order the vacation until repair of said structures with the cost and expense being assessed to you, the property owner.

BY ORDER OF THE LODI CITY COUNCIL:
Jennifer M. Perrin
Deputy City Clerk

for Jennifer M. Perrin
Aldice M. Reimche
City Clerk

Approved as to form:

B W McNatt
Bobby W. McNatt
City Attorney

Dated: November 15, 1989

**MAILING LIST
EXHIBIT B**

**Mr. Surendra Fulabhai Patel
Mrs. Shobhana Surendra Patel
607 South Cherokee Lane
Lodi, CA 95240**

DECLARATION OF MAILING

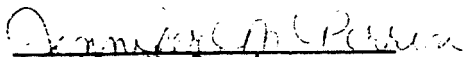
On November 16, 1989 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 16, 1989, at Lodi, California.

Alice M. Reimche
City Clerk



Jennifer M. Perrin
Deputy City Clerk

CITY OF LODI

FIRE DEPARTMENT

FIRE PREVENTION BUREAU
210 WEST ELM STREET
LODI, CALIFORNIA 95240

(209) 333-6739

SEP 13 '89

City Attorney's Office

September 13, 1989

Mr. Surendra Patel
607 S. Cherokee Ln.
Lodi, CA 95240

Dear Mr. Patel:

RE: TRAVELERS HOTEL - 112 NORTH SCHOOL STREET, LODI

I have received your letter delivered in person to the fire department on September 12, 1989. I am considering this letter as an appeal under Lodi Municipal Code Section 15.28.070.

I will be requesting that the city manager place the appeal on the council agenda for the meeting to be held on December 6, 1989. At that time, you may present evidence in support of your appeal.

I will continue to follow the procedures necessary under the applicable codes for abatement.

If you have any questions, please contact me.

Sincerely in service,


Steven Raddigan
Fire Marshal

SR/lm

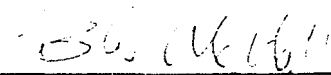
cc: City Attorney ✓

MEMORANDUM

To: Steve Raddigan, Fire Marshal
From: Bob McNatt, City Attorney
Date: April 14, 1989
Re: Abatement of Dangerous Buildings

At your request, I have looked over the letters to Raymond Hayward and Surendra Patel regarding the properties at 509-1/2 South Sacramento Street and 112 North School Street. The letters appear complete and accurate and I believe that they would form an adequate basis for an enforcement action against the owners **if** they do not undertake voluntary compliance.

My apologies for the length of time it took to respond to this; however, the crush of business recently has kept me jumping. Please let me know if there is anything further I can do.


Bob McNatt
City Attorney

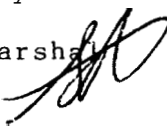
BM: vc

FIREABAT/TXTA.01V

MAR 21 '89

City Attorney's Office

L O D I F I R E D E P A R T M E N T
M E M O R A N D U M

TO: Bob McNatt, City Attorney
FROM: Steven Raddigan, Fire Marshal 
DATE: March 21, 1989
SUBJECT: ABATEMENT OF DANGEROUS BUILDINGS.

Attached are two Notice of Public Nuisance and Order to Abate letters.

After a review of your suggestions in a memorandum dated October 25, 1988, I have followed the dangerous building code. The appeal is from the amendments as found in the Municipal Code.

I anticipate the probability that the City may have to contract for demolition of the Sacramento Street property and that an Order to Vacate may be necessary for the Travelers Hotel.

Would you please review the documents, prior to them being issued, for proper preparation and advise me if they would hold up under an appeal or other legal proceedings that may occur.

Your assistance and suggestions are appreciated.

SR/lm

Attachments

CITY OF LODI

FIRE DEPARTMENT

HEADQUARTERS STATION

210 WEST ELM STREET

LODI, CALIFORNIA 95240

(209) 333-6735

NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE

March 20, 1989

Mr. Raymond Hayward
P.O. Box 282
Woodbridge, CA 95258

Dear Mr. Hayward:

RE: 509 1/2 SOUTH SACRAMENTO STREET

NOTICE OF PUBLIC NUISANCE

Public records indicate that you are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as follows: **Assessor** Parcel No. 045-230-05-9. Said property is more commonly known as 509 1/2 South Sacramento Street, Lodi, CA 95240.

As the property owner, you are hereby notified that the undersigned Fire Marshal of the City of Lodi has inspected said property and declared it to be a PUBLIC NUISANCE as defined and prescribed for by Section 2.201(b) of the Fire Code of the City of Lodi.

INSPECTIONS AND VIOLATIONS

On March 9, 1989, the undersigned Fire Marshal caused said property to be inspected. The following violations were discovered:

1985 Uniform Fire Code

Sec. 2.201. (b) All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster

Mr. Raymond Hayward
March 20, 1989
Page 2

damage or abandonment as specified in this code or any other effective ordinance, are, for the purpose of this section, unsafe buildings.

1985 UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS

Sec. 302. Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

1. The structure has been damaged by fire to a condition that the structure is uninhabitable.
2. There is an accumulation of rubbish, trash and other combustible material within the structure and about the premises.
3. The building is not secure creating an attractive nuisance to children and a harbor for vagrants, criminals or immoral persons.

DETERMINATION

As a result of the foregoing violations, the undersigned Fire Marshal has declared the property to be a **PUBLIC NUISANCE** and has therefore made the following determination:

1. The structure on the property in question shall be repaired to the extent that it meets or exceeds the standards in the Building Code or shall be demolished.

Mr. Raymond Hayward
March 20, 1989
Page 3

2. That all combustible waste material shall be removed from within the structure and premises.
3. That the structure be properly secured pending repair or demolition.

Appropriate building, plumbing, mechanical, electrical or other permits shall be obtained from the City of Lodi prior to the commencement of any work required herein.

The property owner may, if he desires, demolish said structure and clear the property of all rubbish and debris in lieu of attempting repairs. Demolition work shall be subject to the review of the Building Official in accordance with provisions set forth in Section 4409 of the Building Code of the City of Lodi.

In all cases, the required work is subject to inspection and approval of the Building Official and Fire Marshal.

TIME PERIOD FOR COMPLIANCE

1. All combustible waste material shall be removed and the structure shall be secured within fifteen (15) days of this Notice.
2. All repair and/or demolition work required shall begin within thirty (30) days of this Notice and shall be completed within ninety (90) days of this Notice.

ORDER TO ABATE

Pursuant to Section 401(b) of the Uniform Code for Abatement of Dangerous Buildings, this Notice constitutes an **ORDER** to you, the owner of the property in question, **TO ABATE** the substandard conditions listed herein in a manner and within the time determined above.

APPEAL

Property owners, or those with legal interest in the property who are served with this Notice may appeal the same to the City Council of the City of Lodi under Section 15.28.070 of the Lodi Municipal Code. The appeal which shall be in writing shall state the substance of the order appealed from, shall be submitted to the City Council in care of the City Clerk (221 West Pine Street, Lodi, CA 95240) within ten (10) days from the date of personal service or nailing of the order which is being appealed.

FAILURE TO COMPLY

Whenever an order to repair, vacate and repair, or demolish any building or structure, or any portion thereof, has not been

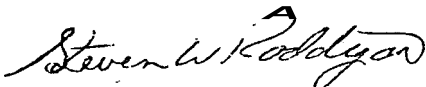
Mr. Raymond Hayward
March 20, 1989
Page 4

complied with within the time set, whether under appeal or not, the City Council shall have the power, in addition to any other remedy herein provided, to:

1. Cause the material of any such building or structure to be sold in any manner that the Council may determine upon; provided, however, that any such sale shall be upon condition that the building or structure be forthwith demolished, the wreckage and debris thereof removed and the lot cleaned. The Council may sell any such building singly or otherwise. Any surplus from the sale of any such building or structure, or group of buildings and structures, over and above the cost of demolition and of cleaning the site shall be retained to be distributed to the parties or persons lawfully entitled thereto.

2. Cause the building or structure to be repaired or demolished. **The** cost thereof shall be assessed against the property upon which the particular building or structure is located. The repair or demolition of any building or structure, or sale of the materials thereof, shall be by a contract awarded following advertisement for bids, to the lowest and best bidder in the case of repair or demolition work and to the highest and best bidder in the case of the sale of material.

Should you require additional information, please contact this office.



Steven W. Raddigan
Fire Marshal

cc: City Attorney
San Joaquin County Local Health District
Chief Building Inspector

CITY OF LODI

FIRE DEPARTMENT

HEADQUARTERS STATION

210 WEST ELM STREET

LODI, CALIFORNIA 95240

(209) 333-6735

NOTICE OF PUBLIC NUISANCE

AID

ORDER TO ABATE

March 20, 1989

Mr. Surendra Patel
607 South Cherokee Lane
Lodi, CA 95240

Dear Mr. Patel:

RE: TRAVELERS HOTEL
112 NORTH SCHOOL STREET

NOTICE OF PUBLIC NUISANCE

Public records indicate that you are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as follows: Assessor Parcel No. 043-026-15. Said property is more commonly known as Travelers Hotel, 112 North School Street, Lodi, CA 95240.

As the property owner, you are hereby notified that the undersigned Fire Marshal of the City of Lodi has inspected said property and declared it to be a PUBLIC NUISANCE as defined and prescribed for by Section 2.201(b) of the Fire Code of the City of Lodi.

INSPECTIONS AND VIOLATIONS

On March 20, 1989, the undersigned Fire Marshal caused said property to be inspected. The following violations were discovered:

T24, Part 2, California Code of Regulations

Section 2-1215(d)

Number of Exits. Every apartment and every other sleeping room shall have access to not less than two exits-- (which exits need not be directly from the apartment or sleeping room). A fire escape as specified herein may be used as one required exit.

Mr. Surendra Patel
March 20, 1989
Page 2

Subject to approval of the building official, a ladder device as specified herein may be used in lieu of a fire escape when the construction features or the location of the building on the property cause the installation of a fire escape to be impractical.

1985 UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS

Sec. 302. Any building or structure which has **any** or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, **is** determined by the fire marshal to be a fire hazard.

1985 Uniform Fire Code

Sec. 2.201. (b) All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other effective ordinance, are, for the purpose of this section, unsafe buildings.

Violation:

Building does not have an approved second exit.

Recommended Corrective Action:

Install a fire escape conforming to T24 2-1215(h) 1 at the east end of the **south** corridor. Room 19 will become part of the exit corridor and may not be used for any purpose. The **door** to Room 19 is to be removed.

Section 2-1215(i)

Doors and Openings. Exit doors shall meet the requirements of Sections 3304(b), (c), (d), and 3305(h). **Doors** shall not reduce the required width of stairway more than 6 inches when open. Transoms and openings other than doors from corridors to rooms shall be fixed closed and shall be covered with a minimum of 3/4-inch plywood or 1/2 inch gypsum wallboard or equivalent material.

EXCEPTION NO. 1: Existing solid-bonded wood core doors 1-3/8 inches thick or their equivalent may be continued in use.

EXCEPTION NO. 2: Where the existing frame will not accommodate a door complying with Section 3304(h), a 1-3/8 inch thick solid-bonded wood core door may be used.

Violation:

1. Doors are not of proper construction.
2. Doors are not maintained self-closing and positive latching.
3. Manager's window to corridor violates one-hour construction requirement.
4. Window in kitchen over stairway.

Recommended Corrective Action:

1. Replace all existing doors with solid-core doors 1-3/4 inches thick or where the existing frame will not accommodate a door 1-3/4 inches thick, a 1-3/8 inch thick solid-bonded wood core door may be used.
2. Install self-closing hinges.
3. Provide a fire-rated assembly over window or install a 1-3/4 inch solid core door between the manager's unit and office. This door is to be maintained self-closing and positive latching.
4. Remove window and replace with 1/4 inch wired glass or other method meeting one-hour construction requirements.

Section 2-1215(j)

Exit Signs. Every exit doorway or change of direction of a corridor shall be marked with a well-lighted exit sign having letters at least 6 inches high.

Violation:

Exit signs are not installed and not well lighted.

Recommended Corrective Action:

Install exit signs at top of interior stairway visible from both directions, install an exit sign with arrow at the area where the south corridor meets the west corridor, and install exit sign with arrow at the east end of the south corridor. Exit lights are to be well lighted.

Section 2-1215(1)

Separation of Occupancies,

1. Occupancy separations shall be provided as specified in Section 503. Lobbies and public dining rooms, not including cocktail lounges, shall not require a separation if the kitchen is so separated from the dining room. Every room containing a boiler or central

Mr. Surendra Patel
March 20, 1989
Page 4

heating plant shall be separated from the rest of the building by not less than a one-hour fire-resistive occupancy separation.

EXCEPTION: A separation shall not be required for such rooms with equipment serving only one dwelling unit.

2. Equivalent Protection. In lieu of separation of occupancies required by Subsection 1, equivalent protection may be permitted when approved by the enforcement agency.

Violation:

1. North entry corridor wall has an opening not meeting rated fire assembly or alternative requirements.
2. South entry corridor wall has an opening not meeting rated fire assembly or alternative requirements.
3. Wall and door to basement stairway are not of one-hour construction.

Recommended Corrective Action:

1. Install a 1-3/4 inch solid core door, or where the existing frame will not accommodate a door 1-3/4 inches thick, a 1-3/8 inch thick solid-bonded wood core door may be used, or remove and replace with other acceptable method meeting one-hour construction requirements.
2. Install a 1-3/4 inch solid core door, or where the existing frame will not accommodate a door 1-3/4 inches thick, a 1-3/8 inch thick solid-bonded wood core door may be used, or remove and replace with other acceptable method meeting one-hour construction requirements.
3. Build a wall meeting one-hour construction requirements.

DETERMINATION

As a result of the forgoing violations, the undersigned Fire Marshal has declared the property to be a PUBLIC NUISANCE and has therefore made the following determination:

The structure on the property shall be repaired to comply with the State Fire Marshal Regulations and Building Standards as listed above. The owner shall have the choice of repairing or demolishing. However, if the owner chooses to repair, the building is to be brought into compliance according to a reasonable and feasible schedule for expeditious repair.

Appropriate building, plumbing, mechanical, electrical or other permits shall be obtained from the City of Lodi prior to the commencement of any work required herein.

The property owner may, if he desires, demolish said structure and clear the property of all rubbish and debris in lieu of attempting repairs. Demolition work shall be subject to the review of the Building Official in accordance with provisions set forth in Section 4409 of the Building Code of the City of Lodi.

Mr. Surendra Patel
March 20, 1989
Page 5

In all cases, the required work is subject to inspection and approval of the Building Official and Fire Marshal.

SCHEDULE FOR EXPEDITIOUS REPAIR

1. Solid core doors in corridors are to be installed within 45 days from the date of this Notice.
2. Plans for the construction of a fire escape to be installed at the east end of the south corridor shall be submitted to the Building Department within 45 days from the date of this Notice. Plans not approved by the Building Department shall be revised and resubmitted within 15 days of the disapproval date by the Building Department.
3. Installation of the fire escape shall be completed within 90 days from the date of approval of submitted plans.
4. Entry corridor shall meet one-hour corridor requirements within 90 days from the date of this Notice.

ORDER TO ABATE

Pursuant to Section 401(b) of the Uniform Code for Abatement of Dangerous Buildings, this Notice constitutes an **ORDER** to you, the owner of the property in question, **TO ABATE** the substandard conditions listed herein in a manner and within the time determined above.

APPEAL

Property owners, or those with legal interest in the property who are served with this Notice may appeal the same to the City Council of the City of Lodi under Section 15.28.070 of the Lodi Municipal Code. The appeal which shall be in writing shall state the substance of the order appealed from, shall be submitted to the City Council in care of the City Clerk (221 West Pine Street, Lodi, CA 95240), within ten (10) days from the date of personal service or mailing of the order which is being appealed.

FAILURE TO COMPLY

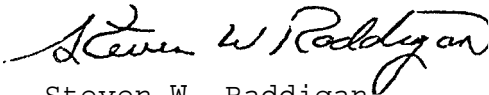
Whenever an order to repair, vacate and repair, or demolish any building or structure, or any portion thereof, has not been complied with within the time set, whether under appeal or not, the City Council shall have the power, in addition to any other remedy herein provided, to:

1. Cause the material of any such building or structure to be sold in any manner that the Council may determine upon; provided, however, that any such sale shall be upon condition that the building or structure be forthwith demolished, the wreckage and debris thereof removed and the lot cleaned. The Council may sell any such building singly or otherwise. Any surplus from the sale of any such building or structure, or group of buildings and structures, over and above the cost of

Mr. Surendra Patel
March 20, 1989
Page 6

- demolition and of cleaning the site shall be retained to be distributed to the parties or persons lawfully entitled thereto.
2. Causes the building or structure to be repaired or demolished. The cost thereof shall be assessed against the property upon which the particular building or structure is located. The repair or demolition of any building or structure, or sale of the materials thereof, shall be by a contract awarded following advertisement for bids, to the lowest and best bidder in the case of repair or demolition work and to the highest and best bidder in the case of the sale of material.

Should you require additional information, please contact this office.



Steven W. Raddigan
Fire Marshal

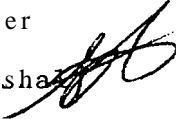
cc: City Attorney
San Joaquin County Local Health District
Chief Building Inspector

RECEIVED
OCT 31 PM 4 37

LOUISE
CITY CLERK
CITY OF LOS ANGELES

FIRE DEPARTMENT
MEMORANDUM

TO : Tom Peterson, City Manager

FROM: Steve Raddigan, Fire Marshal 

DATE : October 25, 1989

SUBJECT: Appeal by Mr. Sonny Patel on the NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE and ORDER TO VACATE issued on September 7, 1989, for 112 North School Street, commonly known as Travelers Hotel

Recommended Action:

This matter be placed on the agenda for December 6, 1989.

Background:

On December 2, 1987, an inspection of the premises was conducted by the building department and the fire department. As a result of this inspection, a NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE was issued by the building department on December 16, 1987. On December 31, 1987, a letter was sent to the building owner by the fire department listing items that required corrective action.

On April 14, 1988, a second letter was sent by the fire department indicating those items that were not corrected, and in addition required that an approved second exit be installed.

On October 6, 1988, Mr. Patel contacted the fire department and indicated that he would install the fire escape and that plans would be available October 7, 1988.

On April 26, 1989, an inspection was conducted by the fire department and a NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE was issued.

Telephone conversations and correspondence continued until September 7, 1989, at which time a NOTICE TO VACATE in addition to a NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE were issued and posted on the premises on September 8, 1989.

Tom Peterson
October 25, 1989
Page 2

On September 12, 1989, a letter was delivered by Mr. Patel requesting that he be granted a period of 90 days to comply due to financial hardship. Consultation with the City Attorney resulted in a decision to consider this request as a form of appeal and to have the appeal heard in December. This would allow Mr. Patel approximately 90 days and still provide for the continuance of abatement proceedings.

Attached is the NOTICE and ORDER of September 7, 1989, and the letter from Mr. Patel.

I am required to advise all inte'rested parties 10 days prior to the scheduled hearing date.

Please advise me of the date and information that will be necessary to be presented.

SR/lm

Attachment

CITY OF LODI

FIRE DEPARTMENT

FIRE PREVENTION BUREAU
210 WEST ELM STREET
LODI, CALIFORNIA 95240

(209) 333-6739

NOTICE OF PUBLIC NUISANCE AND NOTICE TO VACATE AND ORDER TO ABATE

September 7, 1989

Mr. Surendra Patel
607 South Cherokee Lane
Lodi, CA 95240

Dear Mr. Patel:

RE: TRAVELERS HOTEL
112 NORTH SCHOOL STREET

NOTICE OF PUBLIC NUISANCE

Public records indicate that you ~~are~~ are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as follows: Assessor Parcel No. 043-026-15. Said property is more commonly known as Travelers Hotel, 112 North School Street, Lodi, CA 95240.

As the property owner, you are hereby notified that the undersigned Fire Marshal of the City of Lodi has inspected said property and declared it to be a PUBLIC NUISANCE as defined and prescribed for by Section 2.201(b) of the Fire Code of the City of Lodi.

INSPECTIONS AND VIOLATIONS

On September 7, 1989, the undersigned Fire Marshal caused said property to be inspected. The following violations were discovered:

T24, Part 2, California Code of Regulations Section 2-1215(d)

Number of Exits. Every apartment and every other sleeping room shall have access to not less than two exits-- (which exits need not be directly from the apartment or sleeping room). A fire escape as specified herein may be used as one required exit.

Subject to approval of the building official, a ladder device as specified herein may be used in lieu of a fire escape when the construction features or the location of the building on-the property cause the installation of a fire escape to be impractical.

1985 UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS

Sec. 302. Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

16 Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

1985 Uniform Fire Code

Sec. 2.201. (b) All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health-or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other effective ordinance, are, for the purpose of this section, unsafe buildings.

Violation:

1. Building does not have an approved second exit.
2. Heating ducts penetrates each room from the exit corridor which is required to be of one-hour fire-resistive construction.

Recommended Corrective Action:

1. Install a fire escape conforming to T24 2-1215(h) 1 at the east end of the south corridor. Room 19 will become part of the exit corridor and may not be used for any purpose. The door to Room 19 is to be removed.
2. Install a ceiling in the corridor meeting one-hour fire-resistive construction or install fire damper; in heating ducts at each room penetration.

Section 2-1215(i)

Doors and Openings. Exit doors shall meet the requirements of Sections 3304(b), (c), (d), and 3305(h). Doors shall not reduce the required width of stairway more than 6 inches

4
Mr. Surendra Patel
September 7, 1989
Page 3

when open. Transoms and openings other than doors **from** corridors to rooms shall be fixed closed and shall be covered with a minimum of 3/4-inch plywood **or** 1/2-inch gypsum wallboard or equivalent material.

EXCEPTION NO. 1: Existing solid-bonded wood core doors 1-3/8 inches thick **or** their equivalent may be continued in use.

EXCEPTION NO. 2: Where the existing frame will not accommodate a door complying with Section 3304(h), a 1-3/8 inch thick solid-bonded wood **core door** may be used.

Violation:

1. Doors to furnace closets are not of proper construction.
2. Doors are not maintained self-closing and positive latching.
3. Manager's window to corridor violates one-hour construction requirement.

Recommended Corrective Action:

1. Replace all existing doors with solid-core doors 1-3/4 inches thick or where the existing frame will not accommodate a door **1-3/4** inches thick, a 1-3/8 inch thick solid-bonded wood core door may be used.
2. Install and adjust self-closing hinges.
3. Provide a fire-rated assembly over window or install a **1-3/4** inch solid core door between the manager's unit and office. This door is to be maintained self-closing and positive latching.

Section 2-1215(1)

Separation of Occupancies.

1. Occupancy separations shall be provided as specified in Section 503. Lobbies and public dining rooms, not including cocktail lounges, shall not require a separation if the kitchen is so separated from the dining room. Every room containing a boiler or central heating plant shall be separated from the rest of the building by not less than a one-hour fire-resistive occupancy separation.
EXCEPTION: A separation shall not be required for such rooms with equipment serving only one dwelling unit.
2. Equivalent Protection. In lieu of separation of occupancies required by Subsection 1, equivalent protection may be permitted when approved by the enforcement agency.

Violation:

1. North entry corridor wall has an opening not meeting rated fire assembly or alternative requirements.
2. South entry corridor wall has an opening not meeting rated fire assembly or alternative requirements.
3. Wall and door to basement stairway are not of one-hour construction.

Recommended Corrective Action:

1. Install a **1-3/4** inch solid core door, or where the existing frame will not accommodate a door **1-3/4** inches thick, a **1-3/8** inch thick solid-bonded wood core door may be used, or remove and replace with other acceptable method meeting one-hour construction requirements.
2. Install a **1-3/4** inch solid core door, or where the existing frame will not accommodate a door **1-3/4** inches thick, a **1-3/8** inch thick solid-bonded wood core door may be used, or remove and replace with other acceptable method meeting one-hour construction requirements.
3. Build a wall meeting one-hour construction requirements.

DETERMINATION

As a result of the foregoing violations, the undersigned Fire Marshal has declared the property to be a PUBLIC NUISANCE and has therefore made the following determination:

The structure on the property shall be vacated until repaired to comply with the State Fire Marshal Regulations and Building Standards as listed above. The owner shall have the choice of repairing or demolishing. However, if the owner chooses to repair, the building is to be brought into compliance according to a reasonable and feasible schedule for expeditious repair.

Appropriate building, plumbing, mechanical, electrical or other permits shall be obtained from the City of Lodi prior to the Commencement of any work required herein.

The property owner may, if he desires, demolish said structure and clear the property of all rubbish and debris in lieu of attempting repairs. Demolition work shall be subject to the review of the Building Official in accordance with provisions set forth in Section 4409 of the Building Code of the City of Lodi.

In all cases, the required work is subject to inspection and approval of the Building Official and Fire Marshal.

SCHEDULE FOR EXPEDITIOUS REPAIR

1. Solid-core doors to heater closets are to be installed within **45** days from the date of this Notice.
2. Plans for the construction of a fire escape to be installed at the east end of the south corridor shall be submitted to the Building Department within 45 days from the date of this Notice. Plans not approved by the Building Department shall be revised and resubmitted within **15** days of the disapproval date by the Building Department.
3. Installation of the fire escape shall be completed within 90 days from the date of approval of submitted plans.
4. Entry corridor shall meet one-hour corridor requirements within 90 days from the date of this Notice.

ORDER TO ABATE

Pursuant to Section 401(b) of the Uniform Code for Abatement of Dangerous Buildings, this Notice constitutes an ORDER to you, the owner of the property in question, TO ABATE the substandard Conditions listed herein in a manner and within the time determined above.

NOTICE TO VACATE

Pursuant to Section 401(b) and Section **403** of the Uniform Code for Abatement of Dangerous Buildings, this Notice shall constitute an ORDER to you, the owner of the property in question, TO VACATE the premises on September 30, 1989. The conditions existing in this building create a danger to the occupants. By not providing an approved second exit and proper exit corridor protection by maintaining self-closing and positive latching doors to rooms and not maintaining fire-resistive construction requirements of corridor walls and ceiling, a fire burning within a room will quickly allow fire and toxic smoke to spread throughout the floor. Lacking a second exit in the proper area will subject occupants to exposure of superheated gases and toxic smoke, as well as fire. Under these conditions, occupants usually panic and become disoriented. Due the dead-end corridor in this building and the lack of a second exit, unnecessary death and injuries will most probably result should a fire occur.

APPEAL

Property owners, or those with legal interest in the property who are served with this Notice may appeal the same to the City Council of the City of Lodi under Section 15.28.070 of the Lodi Municipal Code. The appeal which shall be in writing shall state the substance of the order appealed from, shall be submitted to the City Council in care of the City Clerk (221 West Pine Street, Lodi, CA 95240), within ten (10) days from the date of personal service or mailing of the order which is being appealed.

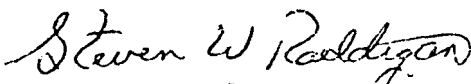
Mr. Surendra Patel
September 7, 1989
Page 6

FAILURE TO COMPLY

Whenever an order to repair, vacate and repair, or demolish any building or structure, or any portion thereof, has not been complied with within the time set, whether under appeal or not, the City Council shall have the power, in addition to any other remedy herein provided, to:

1. Cause the material of any such building or structure to be sold in any manner that the Council may determine upon; provided, however, that any such sale shall be upon condition that the building **or** structure be forthwith demolished, the wreckage and debris thereof removed and the lot cleaned. The Council may sell any such building singly or otherwise. Any surplus from the sale of any such building or structure, or group of buildings and structures, over and above the cost of demolition and of cleaning the site shall be retained to be distributed to the parties **or** persons lawfully entitled thereto.
2. Causes the building or structure to be repaired or demolished. The cost thereof shall be assessed against the property upon which the particular building or structure is located. The repair or demolition of any building or structure, **or** sale of the materials thereof, shall be by a contract awarded following advertisement for bids, to the lowest and best bidder in the case of repair or demolition **work** and to the highest and best bidder in the case of the sale of material.

Should **you** require additional information, please contact this office.


Steven W. Raddigan
Fire Marshal

cc: City Attorney
San Joaquin County Local Health District
Chief Building Inspector

Received
1-12-89
Raddigan

Travelers Hotel,
112 N. School St.,
Lodi, Ca. 95240.

To
The City of Lodi,
Fire Department,
Lodi, Ca. 95240.

Dear Mr. Steven Raddigan,

Regarding to your letter dated Sept. 7th,
1989, I would like to request you to
grant me 90 days period to do all
the corrections, as per your letter.

Due to financial situation I
could not do it any earlier.

Once more I appreciate your cooperation
and I will be pleased to work with
you in future.

Thank you,

Swamy Patel
(Travelers Hotel)

CITY OF LODI
FIRE DEPARTMENT

RRE PREVENTION BUREAU
210 WEST ELM STREET
LODI, CALIFORNIA 95240

(209) 333-6739

September 13, 1989

Mr. Surendra Patel
607 S. Cherokee Ln.
Lodi, CA 95240

Dear Mr. Patel:

RE: TRAVELERS HOTEL - 112 NORTH SCHOOL STREET, LODI

I have received **your** letter delivered in person to the fire department on September **12, 1989**. I am considering this letter as an appeal under Lodi Municipal Code Section **15.28.070**.

I will be requesting that the city manager place the appeal on the council agenda for the meeting to be held on December **6, 1989**. At that time, you may present evidence in support of your appeal.

I will continue to **follow** the procedures necessary under the applicable codes **for** abatement.

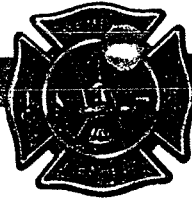
If you have any questions, please contact me.

Sincerely in service,


Steven Raddigan
Fire Marshal

SR/lm

cc: City Attorney



MEMO FROM THE DESK OF:

JOE VANSAN, SEVERAL

Alice-

Please review, comment
and contact Linda

Steve

FIRE SAFETY EVERY DAY

© 1999 D.J.R.

MEMO-3AC

Comments
↓

ORDER
IN THE MATTER OF THE PUBLIC NUISANCE
BY REASON OF THE MAINTENANCE OF A
STRUCTURE AT 112 SOUTH SCHOOL STREET

The City Council of the City of Lodi finds that:

1. Steven W. Raddigan, Fire Marshal of the City of Lodi, did cause to be inspected the premises at 112 North School Street. Said property is more commonly known as the Travelers Hotel;
2. Said inspection resulted in the Fire Marshal finding that the premises were a nuisance as defined in the Abate of Dangerous Building Code of the City of Lodi and that the same should be vacated until repaired;
3. Said Fire Marshal caused a Notice to be prepared setting forth his findings and the corrections that were to be made in order to comply with the codes of the City of Lodi and the laws of the State of California;
4. A COPY of said Notice was mailed on September 7, 1989 and that a declaration of mailing is on file with the City Clerk;
5. A declaration of Steven W. Raddigan that a copy of said Notice was posted on said premises on September 8, 1989 and is on file with the City Clerk;
6. That an appeal was received by Mr. Sunny Patel on September 12, 1989 and that a public hearing was held on December 6, 1989 to hear comments concerning the findings of the Fire Marshal;
7. The written testimony of the Fire Marshal establish that the structure located on the real property more particularly hereafter described, is unsafe and a public nuisance;
8. There was insufficient information presented at the public hearing by members of the public to substantiate an appeal from the Fire Marshal's findings;
9. The building is presently occupied and that the Fire Marshal posted NOTICE OF VIOLATIONS AND NOTICE TO VACATE on September 8, 1989 pursuant to Section 17980(c) of the Health and Safety Code.

IT IS THEREFORE ORDERED by the City Council of the City of Lodi that:

- Use names*
1. The (~~record owners~~) of the hereinafter described premises, and/or holder of a deed of trust lien thereon, are hereby ordered and directed to vacate the building situated on the hereinafter described real property and that the building shall be vacated within _____ days of the date of this ORDER and shall not be occupied until the necessary repairs have been made and inspected and approved by the Fire Marshal and Building Official.
 2. No person shall remain in or enter the building, except that entry may be made to repair, demolish or remove such building under permit.
 3. Copies of this Order shall be posted on the building and served in the manner and upon the persons set forth in Section 401(c), (d) and (e) of the Abatement of Dangerous Building Code of the City of Lodi.
 4. In the event that said building is not vacated on or before _____ then the City Attorney shall _____

The structure herein referred to is situated on real property in the City of Lodi, County of San Joaquin, described as follows:

The North 90 feet of Lot 8 in Block 14 of MOKELUMNE (now City of Lodi), in the City of Lodi, according to the Official Map thereof filed for record in Vol. 2 of Maps, page 12, San Joaquin County Records.

Passed and adopted by the City Council of the City of Lodi at a regular meeting of said Council on _____ by the following vote:

Ayes:

Noes:

Absent:

I hereby certify that the above "Order In the Matter of the Public Nuisance By Reason of the Maintenance of A Structure At _____ is a true and correct copy of the Order adopted by the City Council of the City of Lodi at a regular meeting of said City Council on _____

ALICE M. REIMCHE
City Clerk

Commer AS
Blase

ORDER
IN THE MATTER OF THE PUBLIC NUISANCE
BY REASON OF THE MAINTENANCE OF A
STRUCTURE AT 713 SOUTH SACRAMENTO STREET

The City Council of the City of Lodi finds that:

1. Steven W. Raddigan, Fire Marshal of the City of Lodi, did cause to be inspected the premises at 713 South Sacramento Street;
2. Said inspection resulted in the Fire Marshal finding that the premises were a public nuisance as defined in the Abatement of Dangerous Building Code of the City of Lodi and that the same should be demolished;
3. Said Fire Marshal caused a Notice to be prepared setting forth his findings and the corrections that were to be made in order to comply with the codes of the City of Lodi and the laws of the State of California;
4. A copy of said Notice was mailed on July 28, 1989 and that a declaration of mailing is on file with the City Clerk;
5. A declaration of Donald Hawkinson that a copy of said Notice was posted on said premises on September 7, 1989 and is on file with the City Clerk;
6. More than 30 days have elapsed since the mailing and posting of said Notice and that no person has appeared to protest or object to the findings of the Fire Marshal;
7. The written testimony of the Fire Marshal and the pictures presented therewith establish that the structure located on the real property more particularly hereafter described, is unsafe and a public nuisance;
8. That the building has not been occupied and does not meet current building and housing codes that would permit occupancy;

713 S SAC

IT IS THEREFORE ORDERED by the City Council of the City of Lodi that:

1. The (record owners) of the hereinafter described premises, and/or holder of a deed of trust lien thereon, are hereby ordered and directed to remove the building and structure situated on the hereinafter described real property and that said work of removal should be commenced not less than 30 days after the issuance of this Order and said work shall proceed to its completion on or before 60 days from the date of the passage of this Order.
2. Copies of this Order shall be posted on the building and served in the manner and upon the persons set forth in Section 401(c),(d) (e) of said Unsafe Building Abatement Code.
3. In the event that said building is not demolished or removed on or before February 6, 1990, then the Public Works Director shall cause bids to be obtained for the cost of the demolition work and the bid shall be awarded to the lowest and best bidder, and in the case of the sale of material to the highest and best bidder.

The structure herein referred to is situated on real property in the City of Lodi, County of San Joaquin, described as follows:

The South 46.35 feet on the North 92.75 feet of Lot two (2), Block three (3) of HUTCHIN'S ADDITION OF LODI, according to the Official Map on file in the Office of the County Recorder of San Joaquin, in Vol.1, page 58, San Joaquin County Records. SAVE AND EXCEPT THEREFROM the West 163.4 feet. The said West 163.4 feet measured to the center line of School Street on the West. A.P.N. 045-240-07.

Passed and adopted by the City Council of the City of Lodi at a regular meeting of said Council on _____ by the following vote:

Ayes:

Noes:

Absent:

I hereby certify that the above "Order In the Matter of the Public Nuisance By Reason of the Maintenance of A Structure At 713 South Sacramento Street" is a true and correct copy of the Order adopted by the City Council of ~~the~~ City of Lodi at a regular meeting of said City Council on _____

ALICE M. REIMCHE
City Clerk

CITY COUNCIL

JOHN R. (Randy) SNIDER Mayor

DAVID M. HINCHMAN

Mayor Pro Tempore

EVELYN M. OLSON

JAMES W. PINKERTON, Jr.

FWEDM REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

CALL BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 334-5634

TELECOPIER (209) 333-6795

THOMAS A. PETERSON

City Manager

ALICE M. REIMCHE

City Clerk

BOB McNATT

City Attorney

December 11, 1989

Mr. Surenda Patel
c/o Travelers Hotel
112 North School Street
Lodi, CA 95240

Dear Mr. Patel:

This letter is to inform you that the Lodi City Council, as you requested, on December 6, 1989, voted to grant you a 45-day delay in order for you to meet the Fire Department's requirements on your fire escape at the Travelers Hotel.

If you have any questions, please do not hesitate to call this office at 333-6702 or the Fire Marshal at 333-6739.

Very truly yours,



Jennifer M. Perrin
Deputy City Clerk

JMP

cc: Steve Raddigan, Fire Marshal